



PATENT  
Docket No. 220002057125  
Client Ref. 94-161-9

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Aurelia Caparas

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J.G.  
2/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

H. Kirk HAMMOND et al.

Serial No.: 09/847,936

Filing Date: May 3, 2001

For: TECHNIQUES AND COMPOSITIONS  
FOR TREATING CARDIOVASCULAR  
DISEASE BY IN VIVO GENE  
DELIVERY

Examiner: To Be Assigned

Group Art Unit: 1646

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**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in an International Search Report (copy attached), dated September 13, 2002, directed to a counterpart international application. Please note that documents numbered 2 and 3 on the International Search Report were previously submitted in the Information Disclosure Statement filed on September 6, 2002, for the present patent application.

This Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

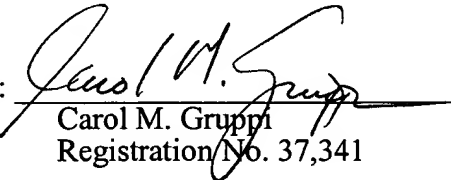
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 220002057125. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 14, 2002

Respectfully submitted,

By:   
Carol M. Gruppi  
Registration No. 37,341

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Please indicate sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/847,936
Filing Date	May 3, 2001
First Named Inventor	H. Kirk HAMMOND
Group Art Unit	1646
Examiner Name	To Be Assigned
Attorney Docket No.	220002057125

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Total Number Of Pages In This Submission

10 + 3  
REFERENCES

## ENCLOSURES (check all that apply)

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|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group   |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment / Reply   | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)   |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations   | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):   |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Terminal Disclaimer   | <ul style="list-style-type: none"><li>• Copy of International Search Report, dated September 13, 2002 - 4 pages</li><li>• Form PTO-1449 + copy - 2 pages</li><li>• Three (3) References</li><li>• Return Receipt Postcard</li></ul> |
| <input checked="" type="checkbox"/> Information Disclosure Statement<br>(Supplemental) - 3 pages | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                  | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application                    |  |   |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53                  |  |   |

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018
Signature	Carol M. Gruppi, Reg. No. 37,341
Date	October 14, 2002

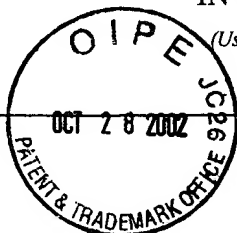
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Aurelia Caparas

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Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (Use several sheets if necessary)	Docket Number 220002057125	Application Number 09/847,936
	Applicant  H. Kirk HAMMOND et al.	
	Filing Date May 3, 2001	Group Art Unit 1646
	Mailing Date October 14, 2002	



## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	08/08/2000	6,100,242	Hammond et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
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## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	2.	Chao, W. et al. (1999). "Adenoviral Expression of IGF-I or CrmA Blocks Cardimyocyte Apoptosis In Vitro," <i>Circulation</i> 110 (suppl. 18): I281, Abstract No. 1471.
	3.	Coleman, M.E. et al. (1995). "Myogenic Vector Expression of Insulin-like Growth Factor I Stimulates Muscle Cell Differentiation and Myofiber Hypertrophy in Transgenic Mice," <i>J. Biol. Chem.</i> 270(20): 12109-12116.

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EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.